

Remarks

In the Office Action mailed November 2, 2005, the Examiner withdrew the previous anticipation rejection in view of Applicant's arguments, and the Examiner then rejected claims 1-21 under 35 U.S.C. § 102(b) as being allegedly anticipated by U.S. Patent Application Pub. No. 2005/0064883 (Heck).

Still pending in this application are claims 1-21, of which claims 1, 10, and 21 are independent and the remainder are dependent. Each pending claim is directed to a way of using an alternate communication route to receive a multimedia message. In the invention, when a wireless communication device ("WCD") receives a message-notification via its air interface (*i.e.*, cellular interface), a computer in local communication with the WCD will responsively retrieve the indicated message over an alternate network connection such as a wireline connection. An exemplary embodiment of this setup is shown in Figure 4 of the present application as reproduced below.

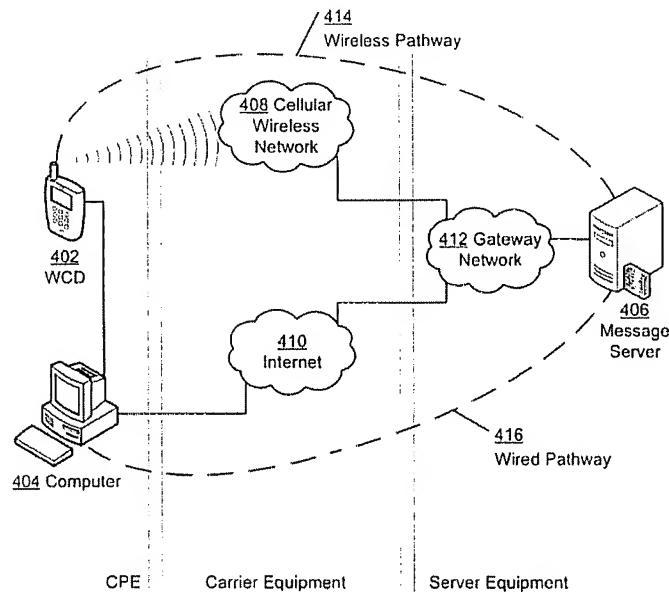


FIG. 4

Heck discloses transmission of multimedia content from an MMS-enabled device to a non-MMS enabled device, and Heck discloses transmission of non-multimedia content from a non-MMS enabled device to an MMS-enabled device. However, Heck does not teach the claimed method or systems. Applicant submits that this rejection is therefore improper.

Each independent claim of the present application requires, in one form or another, a configuration for a WCD to receive a message-notification and then pass an indication of the message-notification to a computer locally-connected to the WCD. Further, each independent claim requires, in one form or another, a configuration for the computer to send a message-retrieval request to a message server along a communication pathway that does not include the WCD or its wireless interface.

In the example provided by Figure 4 above, the WCD may receive a message-notification via the wireless pathway and then pass that notification directly to the locally-connected computer. The locally-connected computer, in turn, may request the message from the message server using the alternative wired pathway. Depending upon the embodiment, the message may then be accessible to a user at the computer or passed from the computer directly to the WCD.

Heck fails to provide the framework recited in the claims and shown in Figure 4. For instance, Heck does not teach a wireless device locally connected to a computer that is, in turn, coupled with a message server via an alternative network. Further, Heck does not teach the messaging scheme recited in the claims. Yet further, Heck does not teach that the message addressed to the WCD may be accessible to a locally connected computer without the message passing through the WCD.

In setting forth this second anticipation rejection, the Examiner correctly pointed out that Heck teaches a WCD receiving an MMS message-notification via a cellular wireless air

interface. However, the Examiner then went on to assert incorrectly that Heck teaches passing an indication of that message-notification from that WCD to a computer locally connected with the WCD, responsively sending a message-retrieval request from the computer to a message server over a communication path that does not include the WCD and that does not include the cellular wireless air interface, and receiving a data message into the computer in a response to the message-retrieval request. *See* office action, at pages 2-3.

As alleged support for the assertion that Heck teaches this combination of elements, the Examiner parenthetically stated only: "via an established communication link, wherein a server 24 receives a delivery request from the WCD, 0025; figure 3". *See* office action, at page 3, lines 5-6. Yet the fact that Heck teaches a server receiving a delivery request from a WCD, as is conventional with MMS message delivery, by no means amounts to the combination of elements that the Examiner asserted Heck teaches.

Applicant submits that all of the pending claims clearly patentably distinguish over Heck. Therefore, Applicant respectfully requests withdrawal of this second anticipation rejection and allowance of all of the claims.

Should the Examiner wish to discuss this case with the undersigned, the Examiner is invited to call the undersigned at (312) 913-2141.

Respectfully submitted,

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